

Gentlemen:

It seems to me that the elimination of the telegraphy examination requirement for all classes of amateur radio license is demonstrably at odds with specific principles enumerated in 47 CFR part 97, Sec. 1(a), (c), and (d), where the fundamental purpose of the amateur radio service is described.

Unarguably, binary signaling is the simplest form of communication. It is the communications mechanism of last resort in dire circumstances when, because of distance, interference, or physical incapacity, neither verbal nor written communication is possible. The International Morse Code gives binary signaling the power of language. Using only 43 codes, it makes binary signaling a practical and reliable means to communicate non-trivial information at a reasonable speed, with minimal equipment, or no equipment at all. Therefore it is in the public interest that operators in the amateur radio service, a service chartered particularly to provide emergency communications, be required to demonstrate basic knowledge of, and minimal proficiency in, this important operating skill, at least in order to exercise the privileges of the Amateur Extra class license.

Further, there is neither reasoning nor evidence in the NPRM supporting the assertion that eliminating the code telegraphy requirement would make the amateur service more attractive to individuals with a non-pecuniary interest in radio, which is the sole purpose cited for the proposed change. Evidence in support of this assertion should be readily available from the elimination of the code requirement for Technician class licenses in 1991, and should be presented in the NPRM for consideration.

The other argument in the NPRM in favor of the proposed change is one based on precedent, that: "the Commission concluded that the public interest would be served best by reducing the telegraphy examination requirement for an amateur radio operator license to the minimum standard that would satisfy the [ITU] *Radio Regulations*." This argument, absent other considerations, would be perfectly valid.

But even the modest, five word per minute proficiency required by the current regulation requires investment of time and effort for most to develop. Several petitioners cited in the NPRM argue that CW is simply another operating mode like voice, data, or video which should be accorded no special regulatory consideration, and the Commission appears to concur. However, historically the ITU and FCC have treated CW differently, not because it was necessary to the operation of an amateur radio station, but rather because it requires an inherently valuable communications skill, unlike other modes which require only purchase of the requisite equipment. They recognized that the continued viability of CW depends upon the existence of a pool of able practitioners, and chose to encourage its use through regulation. With no policy incentives for operators to learn this skill, one may reasonably assume that the mode will atrophy as the pool of operators skilled in its use declines.

Likewise, the argument is specious that because the CW mode would still be *permitted* even if the testing requirement is eliminated, there would still exist a market for Morse code training material. With the elimination of the code proficiency requirement for all classes of license, there will remain nothing in the regulation to encourage operators to advance their skills in this mode, or even to acquaint themselves with it. Sec. 97.305 dedicates no bandwidth specifically to CW, and only section 97.101(a) by reference to "good amateur practice" gives ARRL band plans that set aside the old Novice bands for CW any normative effect.

I will permit myself one anecdote to illustrate my point. My mother was severely injured in an auto accident last July, and passed away in August. As a result of the accident she was paralyzed from the neck down, and while in the hospital, she had to be intubated. She could neither speak nor write. She did not know Morse Code, but she could see, hear, and stick out her tongue. The fact that I knew Morse code made it possible for her to communicate under these conditions by reading the symbols from a chart, where otherwise no communication would have been practical.

In conclusion, there are sound reasons not to eliminate the telegraphy examination requirement for all license classes, and thereby potentially lose a vital communication skill which is now largely unique to the amateur radio service. I urge the Commission to consider their decision carefully.

Sincerely,

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